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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,924	02/20/2002	Tsune yas u Nohara	023971-0110	6992

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WASHINGTON, DC 20007

EXAMINER

HUYNH, HAI H

ART UNIT	PAPER NUMBER
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3747

DATE MAILED: 09/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

S.M.

# Office Action Summary

Application No.

10/077,924

Applicant(s)

NOHARA ET AL.

Examiner

Hai H. Huynh

Art Unit

3747

-- Th MAILING DATE of this communication appears on th cover sheet with the correspond nce address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Inventorship*

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagasaka et al (6,039,029).

Nagasaka et al teach an intake system of an internal combustion engine comprising a collector 79, fixedly connected directly to either of a side wall of a cylinder head and a collector mounting bracket covering the intake port opening end portions of a plurality of intake ports opening through the side wall, and a plurality of intake manifold branches respectively communicating with the plurality of intake ports and protruded into an interior space of the collector (see Figure 2).

3. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Uchida (6,269,797).

Uchida teaches an intake system of an internal combustion engine comprising a collector 54, fixedly connected directly to either of a side wall of a cylinder head and a collector mounting bracket covering the intake port opening end portions of a plurality of intake ports opening through the side wall, and a plurality of intake manifold branches respectively communicating with the plurality of intake ports and protruded into an interior space of the collector (see Figures 1 & 3).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 14-18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasaka et al (6,039,029) in view of Murata et al (5,931,128).

Nagasaka et al teach the claimed limitations except for a variable valve actuation. Murata et al teach the variable valve mechanism. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the variable valve mechanism as taught by Murata et al in order to reduce exhaust emissions.

6. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasaka et al (6,039,029) in view of Murata et al (5,931,128) as applied above, and further in view of Matsumoto et al (6,267,092).

Nagasaka et al in view of Murata et al teach the claimed invention except for a pressure control valve. Matsumoto et al teach a pressure control valve 41.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the pressure control valve as taught by Matsumoto et al in order to improve the induction system of the engine.

7. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasaka et al (6,039,029) in view of Murata et al (5,931,128) and Matsumoto et al (6,267,092) as applied to claims 9-11 above, and further in view of Kimura (5,794,602).

Nagasaka et al in view of Murata et al and Matsumoto et al teach the claimed limitations except for blow-by gases are recirculated into the collector. Kimura

teach blow-by gases are recirculated into the collector. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the blow-by gases recirculation as taught by Kimura in order to reduce exhaust emissions.

***Allowable Subject Matter***

8. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai H. Huynh whose telephone number is (703) 306-9183. The examiner can normally be reached on Monday through Thursday from 7:30 am to 6:00 pm.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7766.



**Hai H. Huynh  
Examiner  
Art Unit 3747**

HHH  
September 24, 2002



**Tony M. Argonbright  
Primary Examiner  
Art Unit 3747**